

REMARKS

In the Office Action mailed December 23, 2004, Claims 1-6, 8-20 and 22 are rejected under 35 U.S.C. §102(e), as being anticipated by U.S. Pat. No. 6,166,166 issued to Taylor et al. Claims 9, 11 and 15-22 are rejected under 35 U.S.C. §112, second paragraph as being indefinite. Claims 7 and 21 are objected to as being dependent upon a rejected base claim.

Rejections under 35 U.S.C. §112, second paragraph

Claims 9, 11 and 15-22 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite. The Examiner contends that as to Claim 9, an improper open transitional phrase is utilized. As to Claim 11, the reference to NCO/OH index is confusing in situations where the chain extender is a diamine. Claim 11 has been cancelled. As to Claims 15, 18 and 22, the species for the diol, diisocyanate and diol, respectively should be claimed in the alternative. Claims 18-22 have been cancelled.

Applicants have made the changes requested by the Examiner and submit that because of those changes, the claims are in compliance with 35 U.S.C. §112, second paragraph. Applicants respectfully request the Examiner reconsider and reverse his rejection of Claims 9 and 15-17 under 35 U.S.C. §112, second paragraph, as being indefinite.

Rejections under 35 U.S.C. §102(e)

Claims 1-6, 8-20 and 22 stand rejected under 35 U.S.C. §102(e), as being anticipated by U.S. Pat. No. 6,166,166 issued to Taylor et al. Claims 1, 4-6, 11 and 18-22 have been cancelled, thus obviating any grounds for rejection based upon those claims. Although Applicants respectfully disagree with the Examiner's contention regarding Taylor et al., in the interest of expediting prosecution of the instant application and in keeping with the spirit of the PTO's Patent Business Goals (PBG) 65 Fed. Reg. 54603 (September 8, 2000), those claims formerly dependent directly or indirectly upon Claim 1 have been amended to depend from Claim 7 which has been rewritten in independent form. Given the Examiner's indication of the allowability of Claim 7, Applicants contend that those claims dependent thereupon are also allowable.

Therefore, Applicants respectfully request the Examiner reconsider and reverse his rejection of Claims 2, 3, 8-10 and 12-17 under 35 U.S.C. §102(e), as being anticipated by U.S. Pat. No. 6,166,166 issued to Taylor et al.

Claim objections

Claims 7 and 21 are objected to as being dependent upon a rejected base claim. The Examiner indicates at page 4 of the instant Office Action that these claims would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims. Applicants have so rewritten Claim 7, and respectfully request the Examiner remove his objection thereto. Claim 21 has been cancelled.

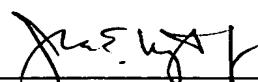
Conclusion

Applicants have amended Claims 2, 3, 7-10, 12-15 and have cancelled Claims 1, 4-6, 11 and 18-22. Such claim amendments add no new matter and find support in the specification.

Applicants submit that the instant application is in condition for allowance. Accordingly, reconsideration and a Notice of Allowance are respectfully requested for Claims 2, 3, 7-10 and 12-15. If the Examiner is of the opinion that the instant application is in condition for other than allowance, he is invited to contact the applicants' Attorney at the telephone number listed below, so that additional changes to the claims may be discussed.

Respectfully submitted,

By



John E. Mrozinski, Jr.
Attorney for Applicants
Reg. No. 46,179

Bayer Polymers LLC
100 Bayer Road
Pittsburgh, Pennsylvania 15205-9741
(412) 777-3024
FACSIMILE PHONE NUMBER:
(412) 777-3902
s:\shared\kg\jem220am